



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, August 5, 2024 at 6:00 pm

REVISED

FAIRHAVEN TOWN CLERK
ROUD 2024 AUG 5 AM 11:01

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at 40 Center Street, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. MGL, Ch. 30a, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.

Access the meeting via remote means may do so in the following manner:

Join Zoom Meeting

<https://us06web.zoom.us/j/86264908157?pwd=ytFmu71bSL38AThvsbOqeVVuhEVXdl.1>

Meeting ID: 862 6490 8157

Passcode: 579710

In-person attendance is permitted for the public at Town Hall at 40 Center Street

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Approval of the June 17 & July 1, 2024 public hearing minutes
4. Continuances requested in advance:
 - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
 - b. **SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J**
 - c. **SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 261, 262, 263**
 - d. **SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616**
5. Discuss reorganization of the Board
6. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
 - b. SE 023-1428, CON 023-368: 43 Reservation Road, Map 29A, Lot 351
 - c. SE 023-1347, CON 023-210: 1 Boulder Court, Map 2, Lot 6C
7. **Public Hearings** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and/or the Code of the Town of Fairhaven Chapter 192, Wetlands:

Request for Amended Order of Conditions

a. SE 023-1392, CON 023-300: 83 Pleasant Street, Map 8, Lot 94

Request to Amend the Order of Conditions issued October 5, 2022 filed by M.L. Lewis of Atlas Tack Corporation (TetraTech) to request a modification to the NHESP determination and that Special Condition A-8 be included in the OOC, so that the MCP/MassDEP requirements shall be met. Site contains Land Subject to Coastal Storm Flowage (LSCSF) Flood Zone AE (El.7') and Bordering Vegetated Wetland/ Freshwater Wetland at Assessor's Map 8, Lot 94.

Requests for Determination of Applicability

b. CON 023-439: 120 Balsam Street, Map 43A, Lot 23:

Request for Determination of Applicability filed by Sarah DeWalt to replace broken concrete steps with 54" deep by 72" wide, 6" deep concrete pad. Attach 54" deep by 72" wide mahogany deck 8" off pad to create a landing /step to front door. Will use removed stones from under old steps to build an extension to existing wall. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) VE (El. 19') at Assessor's Map 43A, Lot 23.

c. CON 023-440: 8 Nelson Avenue, Map 43, Lot 29:

Request for Determination of Applicability filed by William Oberacker to repair apron adjacent to existing concrete revetment in Land Subject to Coastal Storm Flowage (LSCSF) within Flood Zone VE (El. 18') at Assessor's Map 43, Lot 29.

d. CON 023-441: 148 Main Street, Map 12, Lot 12A:

Request for Determination of Applicability filed by Diane Tomassetti to (1) install 27 linear feet of 4' high, 4' wide, aluminum 3-rail pedestrian gate; (2) install a 12' double 4-rail estate gate and; (3) remove a portion of the asphalt driveway and replace with grass. Work to take place at Assessor's Map 12, Lot 12A.

e. CON 023-443: 30 Shaw's Cove Road, Map 33, Lots 45 & 45A

Request for Determination of Applicability filed by George Ayoub to replace failing septic system; all work including grading, loaming, and seeding will be done at a distance greater than 50' away from wetland line. The nearest distance from the proposed leaching field to the edge of the wetland is 71.7'. Work to take place at Assessor's Map 33, Lots 45 & 45A.

f. CON 023-448: 4 James Street, Map 2, lot 140

Request for Determination of Applicability filed by Joseph Pires & Maria Tavares to install/replace 120 feet of FEMA compliant fence along the property boundary and propose 600 square feet of gravel driveway. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) within Flood Zone VE (15') at Assessor's Map 2, Lot 140.

Notices of Intent

g. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A

Notice of Intent filed by Carricorp Industries, Ltd. proposing a 5,850-sf commercial style building. A driveway and parking lot with approximately 34 parking spaces to service the proposed building. Stormwater from all proposed paved areas will be collected by deep sump catch basins sent to a subsurface infiltration system. Other proposed utilities include municipal water and sewer and an enclosed dumpster with pad. Work to take place within 100 feet of a wetland resource area at Assessor's Map 30A, Lots 87 & 87A.

h. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122

An after-the-fact Notice of Intent filed by Natalie Reis for the construction of 12'x16' breezeway between the house and garage, an outdoor shower (approximately 70' from the limit of Coastal Beach and in Land Subject to Coastal Storm Flowage (LSCSF), capping the existing stonewall, an outdoor fireplace, a 36'x15' flagstone patio area with new walkways to beach, artificial turf area, regrading, and a gravel driveway larger than proposed on original plan. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 16'), and work has occurred in Coastal Beach, Barrier Beach, and possibly the Marsh, located at Assessor's Map 29A, Lots 119-122.

i. SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119

Notice of Intent filed by Omar Halabi for demolition and removal of an existing dwelling and construction of a new flood zone compliant single-family dwelling, along with an after-the-fact filing for a concrete patio. The project is located within Buffer Zone to a Salt Marsh, Land Subject to Coastal Storm Flowage, and FEMA Flood Zone VE (El. 20') at Assessors' Map 43, Lot 119.

j. SE 023-___, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22

Notice of Intent filed by David & Jayne Lynch to redeposit sand that migrated during a storm and place crushed shell on the driveway. Proposing to install 165 ft. of dune fencing on the southeast side of the driveway. Work to take place within Barrier Beach, Coastal Dune, riverfront, and FEMA Flood Zone VE (El. 20') at Assessor's Map 42, Lot 22.

k. SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110

Notice of Intent filed by Michael & Hayden Linley to raze existing house and construct a new residence on FEMA Flood Zone compliant foundation, sewer & water connections and associated site work. Work to take place within Coastal Dune, Barrier Beach, Coastal Beach, BVW, Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El. 20') at Assessor's Map 29B, Lot 110.

l. SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lots 164 & 165

Notice of Intent filed by Stan Feck to construct a single-family dwelling on a pile foundation within the Buffer Zone to a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage. The house will be serviced with municipal water and sewer at Assessor's Map 28A, Lots 164 & 165.

m. SE 023-___, CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032

Notice of Intent filed by Robert Faria for an after-the-fact shed within FEMA Flood Zone AE (EL. 16') located at Assessor's Map 29, Lot 032.

n. SE 023-1466, CON 023-438: 0 North Street, Map 15, Lot 43

Notice of Intent filed by Lee Miguel to install fence along the property line along the discontinued Cooke Street to match the existing fence along property line; stockade fence with 6-inch gap beneath on north and south property line, with a maximum height of 48" adjacent to the road (approximately 16' from the curb). Work to take place within the Buffer Zone to Bordering Vegetated Wetlands at Assessor's Map 15, Lot 43.

o. SE 023-1469, CON 023-444: 80 Fort Street, Map 5, Lot 9

Notice of Intent filed by Francis and Amanda Grueter to construct a mechanical boat lift system and private Residential Pier Facility. The installation will require four (4) – 12” diameter timber piles driven by a crane set on a barge operating in a minimum of 3’ of water at low tide. The property contains Coastal Bank (top of vertical seawall), Coastal Beach, Land Under Ocean and Land Containing Shellfish along the Westerly shoreline. The westerly portion (where work proposed) falls within Land Subject to Coastal Storm Flowage, Flood Zone AE (El. 6) at Assessor’s Map 5, Lot 9.

p. SE 023-1468, CON 023-445: 62 Maitland Street, Map 22B, Lot 75A

Notice of Intent filed by Gail Rebello to construct garage addition with in-law apartment and pool with patio and fence within 100 feet to an offsite Bordering Vegetated Wetland (BVW) at Assessor’s Map 22B, Lot 75A.

q. SE 023-1471, CON 023-446: 42 Water Street, Map 9, Lot 2A

Notice of Intent filed by Warren Alexander of E & W Properties LLC proposing to remove a metal frame and asphalt from the east end of the barge and repair 65-LF of wooden bulkhead. Work to take place in Land Under the Ocean, Coastal Bank, and Land Containing Shellfish at Assessor’s Map 9, Lot 2A.

r. SE 023-1470, CON 023-447: 4 Washington Street, Map 9, Lot 2

Notice of Intent filed by R.C.P. Realty, LLC to demolish and remove building foundation and first floor concrete slab; applicant proposes to grade the area to match existing grades and provide a gravel surface. Property located in Buffer Zone (Designated Port Area) and Land Subject to Coastal Storm Flowage (LSCSF) within Flood Zone AE (El. 6’) at Assessor’s Map 9, Lot 2.

8. Violations/Enforcement Orders/Cease and Desist Notices

a. EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34a, Lots 62K & 62P: Agent to provide update on 7-29-2024 site visit with Attorney Marsh and Steven Chmiel; Zenith Land Surveyors provided revised plan to accompany RDA.

b. 0 Beachwood Street, Map 28B, Lot 122: Agent to provide update on unpermitted work in the form of vegetative clearing and depositing of fill in the Isolated Vegetative (IVW) and Land Subject to Coastal Storm Flowage (LSCSF); discuss possible EO – Notice of Violation sent July 2023

c. 32 Point Street, Map 28B, Lot 132: Agent to discuss issuing an EO.

d. SE 023-1344, CON 023-207: 10 Nelson Avenue: Owner notified that their OOC expires September 8, 2024; owner submitted extension payment and certified letter from SITEC Engineering for an extension; still awaiting formal extension form signed and completed.

e. SE 023-1300, CON 019-055: 25 Abbey Street, Map 6, Lot 102: Owner notified that their Order of Conditions expired December 2023; owner agreed to reapply for a new OOC.

- f. **EO 023-017: 29 Mangham Way, Map 31A, Lots 300 & 300A:** Contacted the owner to let them know a Spring 2024 inspection of the restoration area is required before the EO is lifted; owner authorized site visit on August 12, 2024.

9. General Business

- a. Next scheduled site visits: August 12, 2024
- b. Next Scheduled Public Hearing Date: August 19, 2024
- c. Reminder: Special Town Meeting held at Hastings Middle School November 19, 2024 at 7pm

- 10. Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

11. Motion to adjourn

Karen Isherwood, Vice Chair (Acting Chair)

Fairhaven Conservation Commission

Posted by the Town Clerk: www.fairhaven-ma.gov